



PUBLIC NOTICE

Federal Communications Commission
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COMMON CARRIER BUREAU SEEKS COMMENT ON VERIZON'S REQUEST TO ELIMINATE REPORTING REQUIREMENTS UNDER THE BELL ATLANTIC/NYNEX MERGER ORDER

CC Docket No. 98-184, ASD File No. 00-30

File No. NSD-L-96-10, ASD File No. 98-24

On March 8, 2001, Verizon Communications, Inc. ("Verizon") submitted a letter requesting permission to cease reporting the performance monitoring reports required by the *Bell Atlantic/NYNEX Merger Order*.¹ In that Order, the Commission required the merged company to submit quarterly reports used for monitoring the service its incumbent local exchange carriers ("LECs") provide to competitive LECs.² Verizon asserts that the reporting requirements adopted in the *Bell Atlantic/GTE Merger Order* largely replace those adopted in the *Bell Atlantic/NYNEX Merger Order*, and that they constitute an improvement over the earlier reporting requirements.

The Common Carrier Bureau seeks comment on Verizon's request to cease submitting the Bell Atlantic/NYNEX performance monitoring reports. Verizon's letter is attached to this Public Notice. Pursuant to the instructions below, interested parties should submit comments no later than **April 19, 2001**. Reply comments should be submitted no later than **April 30, 2001**.

As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.³ Parties

¹ See Letter from Gordon R. Evans, Vice President, Verizon Communications, Inc., to Dorothy Attwood, Chief, Common Carrier Bureau, FCC (Mar. 8, 2001); see also Applications of NYNEX Corporation, Transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of NYNEX Corporation and Its Subsidiaries, 12 FCC Rcd 19985 (1997) ("*Bell Atlantic/NYNEX Merger Order*"); Application of GTE Corp., Transferor, and Bell Atlantic Corp., Transferee, For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License, 15 FCC Rcd 14032 (2000) ("*Bell Atlantic/GTE Merger Order*").

² See *Bell Atlantic/NYNEX Merger Order* at Appendix C, Condition 1; see *id.* at Appendix D.

³ An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. § 1.1201.

making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁴ Other rules pertaining to oral and written presentations are set forth in Section 1.1206 (b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 445 12th Street S.W., Washington, D.C. 20554, and serve Debbi Byrd of the Accounting Safeguards Division, Common Carrier Bureau, 445 12th Street S.W., 6-C316, Washington D.C. 20554, and International Transcription Service, Inc., 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, with copies of any written *ex parte* presentations in these proceedings filed in the manner specified above.

In accordance with Section 1.51(c) of the Commission's Rules,⁵ an original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554. In addition, copies of each pleading must be filed with other offices in the following manner: (1) one copy with International Transcription Service, Inc., the Commission's duplicating contractor, 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800; (2) one copy with Mark Stone, Accounting Safeguards Division, Common Carrier Bureau, 445 12th Street, S.W., Room 6-C365, Washington, D.C. 20554; and (3) six copies with Debbi Byrd, Accounting Safeguards Division, Common Carrier Bureau, 445 12th Street, S.W., Room 6-C316, Washington, D.C. 20554. To facilitate organization of the record, parties should clearly label their comments, replies, and other documents with the docket number of the *Bell Atlantic/GTE Merger Order*, i.e., CC Docket No. 98-184, as well as a reference to the *Bell Atlantic/NYNEX Merger Order*, i.e., File No. NSD-L-96-10. In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS).⁶ Comments filed through the ECFS can be sent as an electronic file via the Internet to <[http:// www.fcc.gov/e-file/ecfs.html](http://www.fcc.gov/e-file/ecfs.html)>. Failure to clearly note CC Docket No. 98-184 on the pleadings may hamper submission through the ECFS. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. For filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov and should include the following words in the body of the message: "get form <your e-mail address>." A sample form and directions will be sent in reply.

For further information, contact Mark Stone at (202) 418-0816.

Action by the Deputy Chief, Common Carrier Bureau.

⁴ See 47 C.F.R. § 1.1206(b)(2).

⁵ 47 C.F.R. § 1.51(c).

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24,121 (1998).

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March 8, 2001

Ms. Dorothy Attwood
Chief-Common Carrier Bureau
Federal Communications Commission
445 12 Street, SW, Fifth Floor
Washington, DC 20554

Dear Ms. Attwood,

This letter requests that the Commission authorize Verizon to stop providing Performance Monitoring Reports pursuant to Appendix C of the Bell Atlantic/NYNEX Merger Order, 12 FCC Rcd 19985 (1997), effective immediately. The Carrier-to-Carrier Performance Assurance Plan implemented pursuant to the Bell Atlantic/GTE Merger Order provides more comprehensive, detailed, and accurate measures of Verizon's performance than do the Bell Atlantic/NYNEX reports.

Granting this request will conserve the Commission's resources. The Commission's ability effectively to monitor Verizon's performance will not be diminished by granting this request.

Background

Verizon provides *quarterly* Performance Monitoring Reports concerning the service it provides to CLECs and to its retail customers as a condition of the Commission's approval of the Bell Atlantic/NYNEX merger in 1997. The reports are provided *45 days after the end of each calendar quarter*, and include performance results for fewer than 120 measures in 22 categories. These measures were developed in 1997 at a time when competition in the local telecommunications market was at an early stage.

Verizon also provides *monthly* performance results concerning the service it provides to CLECs and to its retail customers pursuant to the Carrier-to-Carrier Performance Assurance Plan (Plan) adopted as a condition of the Commission's approval of the Bell Atlantic/GTE merger in 2000. The reports are provided *25 days after the end of each month*, and include performance results, underlying volumes, as well as statistical information and "z-scores" where applicable, for approximately 160 measures in 17 categories. In addition, the Bell Atlantic/GTE Plan specifies performance standards for each measure and, beginning with April 2001 performance, Verizon may be required to make voluntary payments to the U. S. Treasury if reported performance results do not meet specified thresholds.

The Bell Atlantic/GTE Plan (for the former Bell Atlantic service areas) is based on the New York Performance Assurance Plan adopted by the New York Public Service Commission (PSC) in 1999, which became effective upon Bell Atlantic's entry into the long distance market in New York. The New York Plan included the measures that the New York PSC determined were most important to competition from the Carrier-to-Carrier measures that had been developed through a two-year (and continuing) collaborative process with the CLECs under the auspices of the New York PSC.

In approving the New York §271 application, the Commission found that the New York Plan "provide[s] strong assurance that the local market will remain open after Bell Atlantic receives section 271 authorization." *New York 271 Order*, ¶ 429.

I. The Bell Atlantic/GTE Carrier-to-Carrier Performance Assurance Plan Provides The Commission With More Information Than The Bell Atlantic/NYNEX Performance Monitoring Reports

Attachment A provides a side-by-side comparison of the performance measure categories reported as part of the Bell Atlantic/NYNEX Performance Monitoring Reports and those reported as part of the Bell Atlantic/GTE Carrier-to-Carrier Performance Assurance Plan. As is evident, the Bell Atlantic/GTE Plan includes measures for key areas of performance that are not measured under the Bell Atlantic/NYNEX reports. These are Hot Cut Loops, Collocation, and Line Sharing.

Moreover, even for the categories that overlap, the Bell Atlantic/GTE Plan provides substantially more information in a number of areas than do the Bell Atlantic/NYNEX reports. First, the Bell Atlantic/GTE Plan provides a substantially greater level of disaggregation. Second, the Bell Atlantic/GTE Plan provides more detail concerning each reported result. Finally, the Bell Atlantic/GTE Plan specifies standards for the included measures, and provides self-executing remedies should Verizon's performance fall below the specified standard; the Bell Atlantic/NYNEX reports do not specify standards or provide remedies.

A. Disaggregation

The Bell Atlantic/GTE Plan disaggregates the measurement categories included in the Plan according to significantly more products than do the Bell Atlantic/NYNEX reports. A few examples will demonstrate the difference:

Pre-Ordering: The Bell Atlantic/NYNEX reports include only two Response Time results – for CSRs, and for all other pre-ordering transactions in the aggregate. In addition, they include only a single interface.

By contrast, the Bell Atlantic/GTE Plan reports Response Time results separately for six pre-ordering transactions – CSRs, Due Date Availability, Address Validation, Product & Service Availability, Telephone Number Availability & Reservation, and Loop Qualification. In addition, the Bell Atlantic/GTE Plan reports each of these response time results for each of the three different interfaces available to CLECs – EDI, CORBA, and the Web GUI.

Ordering: The Bell Atlantic/NYNEX reports include order confirmation and reject timeliness results for Resale orders and for UNE orders. The results are disaggregated based on the number of lines on the order.

The Bell Atlantic/GTE Plan reports order confirmation and reject timeliness results separately for Resale POTS & Pre-qualified Complex Services, Resale 2-wire Digital Services, Resale 2-wire xDSL Services, Resale Special Services, UNE POTS & Pre-qualified Complex Services, UNE 2-wire Digital Services, UNE 2-wire xDSL Services, and UNE Special Services. Again, results are disaggregated based on the number of lines on the order.

Provisioning: In the Bell Atlantic/NYNEX reports, Verizon reports the Percent Missed Appointments measure for Retail POTS and Special Services; Resale POTS and Special Services; UNE POTS and Special Services; and for Retail (IXC) Trunks and Interconnection Trunks. The three POTS measures are disaggregated between dispatch and no dispatch orders.

The Bell Atlantic/GTE Plan, by contrast, includes Percent Missed Appointments for Resale POTS, Resale 2-wire Digital Services, Resale 2-wire xDSL Services, Resale Special Services; UNE POTS New Loops, UNE POTS Platform, UNE Special Services Total, UNE Special Services EEL, UNE Special Services IOF; and Interconnection Trunks. In addition, the Bell Atlantic/GTE Plan includes Percent On Time (which is the inverse of the Percent Missed Appointments) measures for UNE Hot Cuts, UNE 2-wire Digital Services, UNE 2-wire xDSL Services, Physical Collocation, and Virtual Collocation. Where there is a "retail" analog, Verizon also reports its own (or its separate data affiliate's) performance. The POTS, 2-wire Digital, and 2-wire xDSL measures are disaggregated between dispatch and no dispatch orders (for UNE POTS, this is only relevant for Platform orders).

Maintenance & Repair: The Mean Time to Repair measure in the Bell Atlantic/NYNEX reports is reported for Retail POTS and Special Services; Resale POTS and Special Services; UNE POTS and Special Services; and for Retail (IXC) and Interconnection Trunks.

The Mean Time to Repair measure in the Bell Atlantic/GTE Plan is reported for Resale POTS & Complex; Resale Special Services; UNE Loops, UNE Platform, UNE 2-wire Digital, UNE 2-wire xDSL, UNE Special Services; and Interconnection Trunks. Where there is a "retail" analog, Verizon also reports its own (or its separate data affiliate's) performance. The POTS & Complex, Loop, Platform, 2-wire Digital, and 2-wire xDSL measures are disaggregated between troubles found in the loop and those found in the central office.

As the foregoing makes clear, the Bell Atlantic/GTE Plan measures provide a much greater level of product specificity than do the Bell Atlantic/NYNEX reports.

B. Reporting Detail

The Bell Atlantic/GTE Plan provides more information for each measure and provides the information in a more timely manner than do the Bell Atlantic/NYNEX reports. The Bell Atlantic/NYNEX reports include only the performance results for each measure. By contrast,

the Bell Atlantic/GTE Plan provides, in addition to the results, the "observations" – or volumes – for each measure, the standard associated with the measure and, where the standard is parity, the z-score, standard deviation, and sampling error.

Further, the Bell Atlantic/NYNEX reports are submitted quarterly (including three months' performance), 45 days after the end of each quarter. The Bell Atlantic/GTE Plan reports are submitted monthly, 25 days after the end of each month, and therefore provide the Commission with more current information.

II. The Commission's Ability To Monitor Verizon's Performance Will Not Be Harmed By Terminating The Bell Atlantic/NYNEX Reports.

As shown in Attachment A, there are only a few measures reported in the Bell Atlantic/NYNEX reports that are not included in the Bell Atlantic/GTE Plan. The Commission has already determined that several of these measures are flawed. The others are not necessary for the Commission's oversight of Verizon's performance, as is clear from their absence in the more comprehensive and up-to-date plans in place. As a result, the absence of these measures for the remaining months of the Bell Atlantic/NYNEX reports will not diminish the Commission's ability to monitor Verizon's performance.

The first of these measures – Percent Rejects – is not included in the New York Performance Assurance Plan, on which the Bell Atlantic/GTE Plan was modeled, because it is largely a measure of the care with which CLECs complete the Local Service Requests they send to Verizon, not Verizon's performance. For this reason, the Commission did not accord it significant weight in the New York 271 Order (§ 175), and its absence from the Bell Atlantic/GTE Plan will not diminish the Commission's ability to monitor Verizon's performance.

The second group of measures are two categories of interval measures – Average Interval Offered and Average Interval Completed, including Percent Completed within 5 Business Days. The Commission has already determined in the New York 271 Order, based on evidence submitted by Verizon, that these measures measure "factors outside of [Verizon's] control and unrelated to the timeliness and quality of [Verizon's] provisioning . . . to competing carriers." As a result, the Commission determined that the interval measures were "flawed and therefore, should be accorded little weight in our analysis here." (§ 202) For the same reasons, the New York PSC did not include average interval offered or average interval completed measures in the New York Performance Assurance Plan, on which the Bell Atlantic/GTE Plan was modeled, and their absence will not meaningfully affect the Commission's ability to monitor Verizon's performance.

The third measure – Percent Common Trunk Blocking – also is not included in the New York Performance Assurance Plan. Common trunks carry traffic between Verizon end offices and the Verizon access tandem, including local traffic for both Verizon customers and CLEC customers. Since these trunks carry traffic for both Verizon and CLEC end users, any blockage will affect both Verizon and CLECs. As a result, there is "parity by design" and no purpose is served by measuring these trunk groups.

Similarly, the process measured in the fourth measure – Timeliness of Daily Usage Feed – is the same process through which usage detail is produced for retail. And the fifth measure – Timeliness of Completion Notification – measures a process that, as defined, is of little real concern to the CLECs. As such, it is no longer included in the New York Performance Assurance Plan.

III. Conclusion

The Bell Atlantic/GTE Carrier-to-Carrier Performance Assurance Plan provides an expanded set of measures and substantially more useful, current and accurate information than the Bell Atlantic/NYNEX reports. Moreover, beginning with the April performance month, Verizon will be subject to remedies under the Bell Atlantic/GTE Plan if its performance does not meet the specified standards. Given these facts, it makes little sense for the Commission to continue to devote resources to the Bell Atlantic/NYNEX reports, or to require Verizon to continue to devote its resources to producing (or CLECs their resources to reviewing) these redundant and superseded reports. For these reasons, Verizon requests that the Commission authorize Verizon to stop providing Performance Monitoring Reports pursuant to Appendix C of the Bell Atlantic/NYNEX Merger Order, effective immediately.

Sincerely,



Attachment

cc: A. Dale
C. Matthey
M. Stone

Attachment

Metric	BA/NYNEX	BA/GTE
OSS Response Time	yes	yes
OSS Availability	yes	yes
Order Confirmation Timeliness	yes	yes
Reject Timeliness	yes	yes
Percent Rejects	yes	no
Timeliness of Completion Notification	yes	no
Percent Flow Through	yes	yes
Average Offered Interval	yes	no
Average Completed Interval	yes	no
Percent Completed within 5 Days	yes	yes
Missed Appointments	yes	yes
Facility Missed Orders	yes	yes
Installation Quality	yes	yes
Hot Cut Loops	no	yes
Line Sharing	no	yes
Trouble Report Rate	yes	yes
Missed Repair Appointments	yes	yes
Trouble Duration Intervals	yes	yes
Repeat Trouble Reports	yes	yes
Percent Common Trunk Blocking	yes	no
Percent Final Trunk Group Blockage	yes	yes
Collocation Performance	no	yes
Timeliness of Daily Usage Feed	yes	no
Timeliness of Carrier Bill	yes	yes

BA/NYNEX Metrics Not Included in BA/GTE:

- Percent Rejects
- Timeliness of Completion Notification
- Average Offered and Completed Interval
- Percent Common Trunk Blocking
- Timeliness of Daily Usage Feed

BA/GTE Metrics Not Reported in BA/NYNEX:

- Hot Cut Loops
- Line Sharing
- Collocation Performance